

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Klaus Benke

Application No.: 10/580,711

Confirmation No.: 3892

Filed: May 18, 2007

Art Unit: 1617

For: **PROCESS FOR THE PREPARATION OF A
SOLID, ORALLY ADMINISTRABLE
PHARMACEUTICAL COMPOSITION**

Examiner: D. Browe

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

The Spanish language reference pages from Remington Pharmacia were cited by the Colombian Patent Office in prosecution of a related Colombian application. The Colombian Examiner alleges that the pages from Remington Pharmacia disclose the claim element of a process containing an active ingredient in hydrophilized form by the addition of a surfactant. The Colombian Examiner also alleges that the pages from Remington Pharmacia disclose the use of substances such as surfactants and polymers to increase the solubility and bioavailability of a

hydrophobic substance. The Examiner further alleges that the pages from Remington Pharmacia disclose employment of substances such as surfactants or polymers with water affinity for increasing the solubility and bioavailability of a hydrophobic substance, and refers to the use of amphoteric substances to be located over the hydrophobic substances in order that they can be dispersed in the aqueous medium and for improving their bioavailability. The Colombian Examiner argues that from the disclosure in the pages of Remington Pharmacia it is expected that when including an agent that hydrophilizes the granules, the absorption, solubility and bioavailability of the molecule would increase.

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 11987-00043-US.

Dated: August 26, 2011

Respectfully submitted,

Electronic signature: /Christine M. Hansen/
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